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Food EOOD, LML CONSULT Ltd., Ad Crunch  
Ltd., Fresh Break Ltd., and Specialized Collections  
Bureau, Inc.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

ADTRADER, INC.,

Plaintiff,

v.

GOOGLE LLC.

Defendant.

Case No. 5:17-CV-07082-BLF

~~PROPOSED~~ **ORDER GRANTING  
PLAINTIFF SPECIALIZED  
COLLECTIONS BUREAU'S UNOPPOSED  
MOTION FOR APPROVAL OF CLASS  
NOTICE PLAN FOR RULE 23(b)(3)  
ADWORDS ADVERTISER CLASS**

Judge: Hon. Beth L. Freeman  
Courtroom: 3

**~~PROPOSED~~ ORDER**

Having considered Plaintiff Specialized Collections Bureau, Inc.’s (“SCB”) Unopposed Motion for Approval of Class Notice Plan for Rule 23(b)(3) Adwords Advertiser Class, the supporting Declaration of Steven Weisbrot, and the proposed forms of class notice attached as Exhibits B-D thereto, the Court hereby directs class counsel and Google to proceed with the plan outlined therein.

Federal Rule of Civil Procedure 23(c)(2)(B) provides that “[f]or any class certified under Rule 23(b)(3) . . . the court must direct to class members the best notice that is practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort.” *Id.*; see also *Phillips Petroleum Co. v. Shutts*, 472 U.S. 797, 812 (1985). Rule 23 further requires that members of certified classes be given the opportunity to “request exclusion” from having their claims tried as part of the class proceeding, otherwise known as the right to “opt out” of the case. Fed. R. Civ. Proc. 23(c)(2)(B)(v).

Notice of the pendency of a Rule 23(b)(3) class action is to be made by “United States mail, electronic means, or other appropriate means.” Fed. R. Civ. Proc. 23(c)(2)(B). The Federal Judicial Center has concluded that a notice plan that reaches at least 70% of the class is reasonable. Federal Judicial Center, *Judges’ Class Action Notice and Claims Process Checklist and Plain Language Guide* at 3 (2010). The class must be notified in a manner that “does not systematically leave any group without notice.” *Officers for Justice v. Civil Serv. Comm’n*, 688 F.2d 615, 624 (9th Cir. 1982).

The Court finds that the proposed notice plan set forth in SCB’s unopposed motion and as further described in the declaration of Steven Weisbrot, the President and Chief Innovation Officer of the proposed class notice administrator Angeion Group, satisfies the foregoing requirements and will provide reasonable notice and an opportunity for members of the AdWords Advertiser Class<sup>1</sup> to exclude themselves from these class proceedings.

Specifically, the Court orders as follows:

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<sup>1</sup> The AdWords Advertiser Class is defined in the Court’s March 13, 2020 Order Granting in Part and Denying in Part Plaintiffs’ Motion for Class Certification. ECF No. 278.

- The Court approves the form of the Email, Postcard, and Long-Form notices as attached as Exhibits B-D of the Weisbrot Declaration;
- The Court approves Angeion Group as the Administrator for purposes of sending the Notices, collecting opt outs, administering the case website, and tabulating the associated information for reporting to the Court through Class Counsel;
- Within 30 days of entry of this order, the Administrator shall send the Email Notice to the potential members of the class;<sup>2</sup>
- Any requests by potential members of the class to opt out of this adjudication must be postmarked by no later than 60 days after the date that the Administrator has send the Email Notice; and
- Within 10 days of the date by when any opt-out requests must be post-marked, Class Counsel shall submit to the Court the Administrator's report of its execution of the notice plan and tabulation of opt outs.

**IT IS SO ORDERED.**

Dated: March 23, 2021

  
HON. BETH LABSON FREEMAN  
United States District Judge

<sup>2</sup> The Court recognizes that Google is currently in the process of compiling contact information for potential members of the class. Mot. at 3 n.1. Should the dates set forth in this order present any timeliness conflict with respect to that effort, the parties shall meet and confer to resolve it.